

### REMARKS

Claims 1-5, 7-14, 16-22, 26-41, 44-50, 52-63 and 65-73 are pending in the present application. Claims 1-5, 7-14, 16-22, 26-41, 44-50, 52-63 and 66-73 stand rejected under 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a). Claims 64 and 65 stand rejected under 35 U.S.C. § 103(a). Applicant respectfully traverses the rejections of record.

Applicant submitted an Amendment After Final Rejection dated June 23, 2008. The Advisory Action mailed July 2, 2008 indicated that the amendments presented in the Amendment After Final Rejection were not entered. Accordingly, the claims as set forth herein do not reflect entry of the amendments proposed in the Amendment After Final Rejection but rather request entry of the amendments that were submitted but not entered from Applicant's Amendment After Final Rejection.

Applicant has shown that the rejections of record are improper and that the claims as amended but not entered in the Amendment After Final dated June 23, 2008 distinguish over the art of record. The Examiner concedes in the Advisory Action mailed July 2, 2008, that the added limitation of the mobile device being wirelessly connected to the system "appears to overcome the 102 rejection over Narasimhan." *See* Continuation Sheet to Advisory Action mailed July 2, 2008. Nevertheless, the Examiner declined to enter Applicant's amendments and also declined to withdraw the 102 rejection over *Narasimhan*.

It is believed that arguments set forth in the Amendment After Final dated June 23, 2008 continue to be applicable with respect to the amended claims set forth herein. Accordingly, those arguments are incorporated herein by reference.

It is further believed that the claims clearly distinguish over additional art referenced by the Examiner in the Advisory Action. The Examiner states that "the wireless mobile device in Tracy et al (5,979,757), which is disclosed in one embodiment as using a user smart card inserted therein, would render the invention obvious in view of Narasimhan." *See id.* Applicant traverses this statement by the Examiner. While the Examiner has not presented a formal ground for rejection based on this additional art, Applicant asserts that the additional art referenced by the Examiner does not teach at least one limitation of each of the independent claims as set forth below.

- Applicant submits that the additional art referenced by the Examiner does not teach at least the step of “wirelessly applying said promotion to a purchase using said mobile electronic device” as set forth in claim 1.
- Similarly, the additional art referenced by the Examiner does not teach at least the step of “redeeming said promotion by wirelessly replying to said server using said mobile electronic device” as set forth in claim 13.
- Moreover, the additional art referenced by the Examiner does not teach at least the step of “saving said promotion in a promotion saving account accessible by said mobile electronic device wherein said consumer wirelessly redeems said promotion using said mobile electronic device for a purchase at a point of sale (POS)” as set forth in claim 22.
- The additional art referenced by the Examiner does not teach at least the step of “generating said promotion for use by a targeted consumer, wherein said targeted consumer is selected from a plurality of potential consumers” as set forth in claim 26.
- Similarly, the additional art referenced by the Examiner does not teach at least the step of “generating said promotion for use by a requesting consumer, wherein said requesting consumer is prompted to request said promotion” as set forth in claim 30.
- Further, the additional art referenced by the Examiner does not teach at least the steps of “receiving a reply from said mobile electronic device of said targeted consumer in response to said promotional offer; and facilitating a purchase by said targeted consumer, said purchase correlated to said promotional offer” as set forth in claim 37.
- The additional art referenced by the Examiner does not teach or suggest at least the limitation of “a mobile electronic device operable for wirelessly

transmitting a request for promotional data and for wirelessly receiving generated promotion data” as set forth in claim 41.

- The additional art referenced by the Examiner does not teach at least the step of “matching said promotion with a merchant profile in a merchant profile database when said consumer redeems said promotion by wirelessly communicating using said mobile electronic device in an electronic purchase” as set forth in claim 49.
- The additional art referenced by the Examiner does not teach a mobile electronic device including at least “means for applying received promotion data when a purchase is made at a point of sale (POS)” as set forth in claim 55.
- Further, the additional art referenced by the Examiner does not teach at least “a wireless mobile electronic device associated with a particular consumer; and means for receiving from said wireless mobile electronic device associated with said particular consumer an acceptance of said promotion” as set forth in claim 61.
- Claim 66 recites “means for communicating at least a portion of said coordinated information to said wireless mobile electronic device of said one user over said temporarily established connection, said coordinated information including promotional information associated with said specific user; and means for coordinating the redemption of the promotion associated with said promotional information.” The additional art referenced by the Examiner does not teach at least these limitations of claim 66.
- The additional art referenced by the Examiner does not teach at least the step of “accepting over a temporarily established communication connection from a wireless mobile electronic device of any one of a plurality of users information specific to one of many merchants, said information including data specific to a unique location of one of said merchants, said specific data

pertaining to merchandise obtained from said merchant” as set forth in claim 70.

Accordingly, each of claims 1, 13, 22, 26, 30, 37, 41, 49, 55, 61, 66 and 70 as well as the claims dependent therefrom, are asserted to be patentable over the applied art as well as the additional art referenced by the Examiner in the Advisory Action and any combination thereof.

In view of the above, Applicant believes the pending application is in condition for allowance. Accordingly, Applicant requests that the pending claims be passed to issue. Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 65003/P002US/10312242 from which the undersigned is authorized to draw.

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Respectfully submitted,

By 

Kirby B. Drake

Registration No.: 55,126

FULBRIGHT & JAWORSKI L.L.P.

2200 Ross Avenue, Suite 2800

Dallas, Texas 75201-2784

(214) 855-8294

(214) 855-8200 (Fax)

Attorney for Applicant